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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES K. WARD and
CAROL J. WARD,

Defendants.

Case No. 2:23-CV-1445-KJM-CKD

**JOINT STIPULATION TO EXTEND
FACT DISCOVERY DEADLINE AND
LAST DAY TO HEAR DISPOSITIVE
MOTIONS DEADLINE**

Plaintiff United States of America and Defendants James K. Ward and Carol J. Ward hereby jointly apply for an eighty (80) day extension of the last day to hear dispositive motions deadline in the above-captioned case. *See* Fed. R. Civ. P. 6; L.R. 144. In support of this joint stipulation, the parties state as follows:

1. Pursuant to the Stipulation and Order signed by the Court on June 12, 2024, fact discovery closed on August 30, 2024; and the last day to hear dispositive motions is December 13, 2024. (Doc. 15).

2. All parties have cooperated and diligently conducted discovery in order to develop the facts relevant to this proceeding.

3. The parties have also been engaged in settlement discussions since the initiation of this case, including informally exchanging information, to explore the possibility of resolving

1 this case without further involvement of the Court. These settlement discussions are still
2 ongoing.

3 4. Discovery is now closed, but the following paragraphs summarize the parties'
4 discovery:

5 a. On April 22, 2024, the United States served a First Set of Requests for
6 Production of Documents on the Defendants.

7 b. On May 22, 2024, counsel for the Defendants requested an extension of
8 two weeks to respond to the discovery requests and to produce documents. The United
9 States agreed to the extension. The Defendants produced the requested documents
10 between May 31, 2024 and June 7, 2024.

11 c. On June 5, 2024, the United States served deposition subpoenas on the
12 Defendants. The depositions were originally scheduled for June 18, 2024, but were later
13 taken on August 21, 2024.

14 d. The parties executed a joint stipulation of facts to avoid unnecessary
15 presentation of evidence in this case.

16 5. Counsel for the United States has a trial set for December 9, 2024. This trial is in
17 person in Hawaii.

18 6. The Court currently has civil law and motion hearing dates on October 31, 2024,
19 November 21, 2024, and December 12, 2024.

20 7. Counsel for the United States must be in Hawaii on November 21, 2024 for a
21 pretrial conference, and on December 12, 2024 for the trial. As such, counsel for the United
22 States is unable to appear at a hearing on any dispositive motion on either of these days.

23 8. In light of the Parties' continued discussion of settlement which could potentially
24 obviate the need for any dispositive motions and the United States' conflicts with the Court's
25 available hearing dates, the Parties hereby request that the Court extend the last day to hear
26 dispositive motions by eighty (80) days.

27 9. The parties therefore agree to extend the following deadline to:

28 a. **Last Day to Hear Dispositive Motions: March 3, 2025.**

10. The parties agree that the requested extensions will not affect any other deadline in the above-captioned case.

11. The parties agree that the purpose of this request is not to delay any proceeding but rather to give the parties time to determine if resolution of this case is possible without further litigation and to accommodate the United States' counsel's unavailability for the Court's currently available hearing dates.

12. This is the parties' second request to extend the deadline to hear dispositive motions in this case. Earlier in the case, the parties agreed to extend the Defendants' time to answer the United States complaint by twenty-eight (28) days pursuant to Local Rule 144(a), (*see* Doc. 10), and agreed to extend the fact discovery deadline and last day to hear dispositive motions date by seventy (70) days, (*see* Doc. 14).

IT IS SO STIPULATED AND AGREED.

Respectfully submitted,

Dated: September 26, 2024

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IT IS SO ORDERED.

Dated: September 30, 2024.


UNITED STATES DISTRICT JUDGE